

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	1:08cr79(JCC)
KYLE DUSTIN FOGGO,	)	
a/k/a "DUSTY" FOGGO,	)	
	)	
Defendant.	)	

**O R D E R**

For the reasons stated in the accompanying Memorandum Opinion, it is hereby ORDERED that:

(1) Defendant's Motion to Dismiss Counts 27 and 28 of the second superseding indictment is DENIED;

(2) The Government's Motion for Leave to File a Sur-Reply is GRANTED; and

(3) the Clerk of the Court shall forward copies of this Order and accompanying Memorandum Opinion to all counsel of record.

July 31, 2008  
Alexandria, Virginia

\_\_\_\_\_/s/\_\_\_\_\_  
James C. Cacheris  
UNITED STATES DISTRICT COURT JUDGE